

State of California



Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 • • • 1100 K STREET BUILDING, SACRAMENTO, 95814

Technical Assistance • • Administration • • Executive/Legal • • Enforcement
(916) 322-5662 322-5660 322-5901 322-6441

October 3, 1984

Stephen E. Lenzi
Senior Counsel
Automobile Club of Southern California
1225 Eighth Street, Suite 475
Sacramento, CA 95814

Re: Your Request for Advice,
Our Advice No. A-84-228

Dear Mr. Lenzi:

You have requested our advice on the following question:

FACTS

Periodically the Automobile Club will host dinners for independent tow service operators who contract with the Club to provide emergency road service. The dinners are expressions of appreciation and goodwill in recognition of the operators' service. In attendance are Auto Club management and supervisors for the geographical area involved. Occasionally, members of the California Highway Patrol (CHP) from the local area and their spouses will attend in recognition that local CHP management and the tow operators have a mutual interest in traffic operations, and the need to maintain working relationships. Usually there are 25 to 175 persons in attendance at these events.

QUESTION

As an employer of a lobbyist, must the Automobile Club include the cost of the dinners provided to members of the CHP and their spouses on the quarterly report required by Section 86109 of the Government Code (and attendant regulations)?

If the answer is yes, must the cost of the entire event be reported, or only the specific costs of the dinners provided to the officers and their spouses?

Stephen E. Lenzi
October 3, 1984
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ANALYSIS

As a lobbyist employer, the Automobile Club has a responsibility to report "payments to influence legislative or administrative action." Government Code Section 86109(c).1/

If the Automobile Club is seeking to influence "administrative action" by the CHP, as defined in Section 82002,2/ then it must report its expenditures in this regard. Expenditures for gifts such as dinners must be reported if the officials who receive the dinners are "agency officials" within the meaning of Section 82004.3/ If reporting is required, the Automobile Club must report the total cost of the event, the pro rata benefit to each "agency official" in attendance and his or her name, and the name of the spouse of each such official in attendance, together with the pro rata benefit to the spouse.

Should you have further questions in this regard, you should address them to Jeanne Pritchard in our Technical Assistance and Analysis Division at 916/322-5662.

Sincerely,


Robert E. Leidigh
Counsel, Legal Division

REL:km
Enclosure

cc: Jeanne Pritchard

1/ All statutory references are to the Government Code unless otherwise specified. Note changes in this section made by AB 2541, Chap. 161, Stats. 1984, effective January 1, 1985.

2/ See also, regulation 2 Cal. Adm. Code Section 18202 (copy enclosed).

3/ Note that a member of the Highway Patrol is only considered an "agency official" if he or she participates in "administrative actions" as defined in Section 82002.



Automobile Club of Southern California

1225 EIGHTH STREET, SUITE 475, SACRAMENTO, CALIFORNIA 95814

LEGAL DIVISION

August 30, 1984

Ms. Barbara Milman
General Counsel
Fair Political Practices Commission
1100 K Street
Sacramento, CA 95814

Dear Ms. Milman:

Re: Opinion Request

Your opinion regarding the following is respectfully requested:

Periodically the Automobile Club will host dinners for independent tow service operators who contract with the Club to provide emergency road service. The dinners are expressions of appreciation and goodwill in recognition of the operators' service. In attendance are Auto Club management and supervisors for the geographical area involved. Occasionally, members of the California Highway Patrol (CHP) from the local area and their spouses will attend in recognition that local CHP management and the tow operators have a mutual interest in traffic operations, and the need to maintain working relationships. Usually there are 25 to 175 persons in attendance at these events.

As an employer of a lobbyist, must the Automobile Club include the cost of the dinners provided to members of the CHP and their spouses on the quarterly report required by Section 86109 of the Government Code (and attendant regulations)?

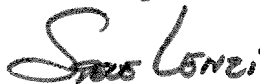
If the answer is yes, must the cost of the entire event be reported, or only the specific costs of the dinners provided to the officers and their spouses?

Ms. Barbara Milman
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August 30, 1984

We have a concern that the dollars represented in hosting several of these dinners will dramatically increase the amount reported by the Club as "payments to influence," when in fact it will be very misleading to the general public.

Your consideration of this matter is sincerely appreciated.

Sincerely,

A handwritten signature in dark ink, appearing to read "STEPHEN E. LENZI". The signature is stylized with a large, looped 'S' and a distinct 'L'.

STEPHEN E. LENZI
Senior Counsel

SEL:mib

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September 10, 1984

Stephen E. Lenzi
Senior Counsel
Automobile Club of
Southern California
1225 - 8th Street, Suite 475
Sacramento, CA 95814

Re: Your Request for Advice,
Our Advice No. A-84-228

Dear Mr. Lenzi:

Your letter requesting advice under the Political Reform Act has been referred to Janis Shank McLean, an attorney in the Legal Division of the Fair Political Practices Commission. If you have any questions about your advice request, you may contact this attorney directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or unless more information is needed to answer your request, you should expect a response within 21 working days.

Very truly yours,

A handwritten signature in cursive script, reading 'Barbara A. Milman'.
Barbara A. Milman
General Counsel

BAM:km